

# MEMBERS' MANUAL APPENDIX 4

## RECRUITMENT GUIDELINES

### SUMMARY

These guidelines set out a merit based and transparent process for the appointment, and reappointment, of all MHRT members. The Guidelines also set out the requirements for members to maintain roster availability and other matters. As these Guidelines are supplied to all seeking appointment from October 2023, it will be considered that those members who are appointed after that date, will follow the guidelines.

### EXCLUSIONS

The following appointments are excluded from these guidelines:

- President
- Full-time Deputy Presidents
- Part-time Judicial Deputy Presidents

### SHORT-TERM APPOINTMENTS

1. An appointment or re-appointment is short-term where it is for a period of less than three months.
2. Where short-term acting appointments are to be made (for example during the absence of the MHRT President), the processes prescribed in the relevant legislation should be followed.
3. Where short-term extensions of appointments or short-term reappointments are to be made to ensure continuity of MHRT membership, the processes followed will be decided by the President as approved by the Minister.

### FILLING AD-HOC VACANCIES FOR PSYCHIATRIST AND JUDICIAL DEPUTY PRESIDENT MEMBERS

4. Given the scarcity of psychiatrist and judicial Deputy President members, there will be appointments made when such members become available. The members will be required to make a formal application in line with the Tribunal recruitment processes, and address appointment criteria in writing. Recruitments will also occur at the time of recruitment of other members, and eligibility lists may be made for future appointments as required.

### APPOINTMENT AND REAPPOINTMENT OF JUDICIAL MEMBERS

5. The Minister makes the appointment or reappointment of judicial Deputy President members after consideration of recommendations made by the MHRT President.
6. As noted above a written application addressing selection criteria for judicial members and an interview, with a panel constituted by the President, a full time Deputy President and an independent person nominated by the President, is required.

### APPOINTMENT AND REAPPOINTMENT OF NON-JUDICIAL MEMBERS

7. Expressions of interest will be sought at least every three years, unless there is a recruitment need arising within the usual appointment period of three years, in which case a mini recruitment may be held. The mini recruitment will follow the same process as the three-year recruitment, as detailed below.
8. Expressions of interest in appointment will be sought via public advertisement. Positions will be advertised, at a minimum, on the relevant public sector websites.
9. In application for appointment as member of the MHRT, the applicant will indicate agreement to comply with the member roster and availability requirements, set out below.

10. Non-judicial member selections will be made against the following core selection criteria, supplemented by additional criteria as required. The additional criteria will be set out in selection criteria for each MHRT member category (non-judicial DP, lawyer, psychiatrist, other suitably qualified) and supplied to applicants prior to application. The additional criteria will reflect the requirements to observe the Tribunal Code of Conduct and to achieve key competencies.

The core selection criteria are:

- a. Ability to conduct hearings and other Tribunal proceedings: conducts hearings in a manner that establishes and maintains the independence and authority of the tribunal and enables proper participation by all involved.
- b. Respect for the law.
- c. Fairness.
- d. Decision-making and reasoning. Relevant qualities include decisiveness, confidence, courage, independence and impartiality.
- e. Written and oral communication skills. Communication skills should include courtesy, patience, tolerance, respect, sensitivity, compassion and self-discipline.
- f. Professionalism and integrity: capacity to maintain personal and tribunal independence, integrity and reputation, and to be ethical, patient, honest, tolerant, respectful, collegiate and considerate.
- g. Efficiency: commitment to serving the public, commitment to efficient case management, use of resources and timeliness.
- h. An understanding of, and a commitment to, safe and respectful workplaces.
- i. Conscientious, commitment to high standards.
- j. Willingness to use technology employed in tribunal hearings and decision records, and competence in use, and/or commitment to training to achieve same.
- k. for senior roles such as full-time Deputy President leadership skills are required.

#### PROFESSIONAL QUALIFICATIONS

11. Where a member is appointed for reason of professional standing/experience, the member is expected to maintain all their professional qualifications – including registration and/or membership of professional organisations, practicing certificates or other documents.
12. It is expected that all requirements of the member's profession will be met, including attending any mandated professional training/development. If registration/practicing certificate or membership of a professional organization lapses or is discontinued at any time after appointment, the member is to advise the Tribunal Registrar immediately.

#### REGISTER AND PANEL

13. A register will be established to receive expressions of interest that address the selection criteria. Expressions of interest received outside the usual three-year recruitment cycles will be retained in the Register.
14. An assessment panel will assess applicants' claims against the selection criteria. Multiple assessment panels may be required depending on the nature of the vacancies/recruitment.
15. Assessment panels will be chaired by the MHRT President and will contain public sector panel members as well as other members deemed appropriate by the MHRT President.

16. Assessment panels will comprise the MHRT President (or delegate), and at least two other members who may include one member nominated by the Minister and another member nominated by the MHRT President who is independent from the MHRT.
17. Assessment panels will determine the methodology to be used to assess the suitability of applicants who have provided expressions of interest to the register.
18. Assessment panels will provide a report to the Minister setting out those applicants considered and those found suitable for appointment, including reasoning.
19. If two panel members consider an applicant suitable for appointment and the third panel member disagrees, this should be reflected in the report to the Minister, including the reasoning of the respective panel members.
20. It is understood that the Minister would use the panel reports to make recommendations for appointment.
21. For existing members seeking reappointment, a referee report will be sought from the President, a full-time Deputy President or another member of appropriate seniority with knowledge of the member's work (see reappointment process and appointment terms, below).

#### REAPPOINTMENT PROCESS/APPOINTMENT TERMS

22. Terms of appointment are generally for four years; however, terms can be for a shorter period if this is appropriate to the Tribunal's recruitment needs.
23. At the end of the first appointment the member may be reappointed for a further appointment term without the requirement interview. The reappointment process will require a written expression of interest, a positive referee report (refer point 21) and satisfactory performance as measured by MHRT performance review processes.
24. If a member seeks reappointment after having been appointed for two or more appointment terms, the member will be required to provide a written expression of interest, submit to the panel selection and interview process, and meet the eligibility criteria for new member applicants for appointment which apply at that time.

#### TRAINING AND DEVELOPMENT

25. The Tribunal will offer training to assist Members to meet and/or achieve key competencies and would expect Members to regularly attend such training offered.
26. Additional professional development opportunities will be provided. The Tribunal appreciates the time that Members dedicate to professional education and encourages members to attend professional education events hosted by the MHRT.

#### MEMBER ROSTER/AVAILABILITY REQUIREMENTS

27. The member will indicate at the time of application for appointment/reappointment, the desired frequency of sittings – e.g., once per month, once per fortnight, once a week, or more than one day per week (indicate number of days per week). Whilst there is no guarantee of being rostered the desired number of days, the Tribunal will seek to accommodate member preferences for sitting days where this is practical.
28. If a member is Sydney-based, the member is required to sit at any venue in greater metropolitan Sydney – members will not be excused from being rostered to certain facilities due to their personal travel preferences. A reluctance to travel to a part of Sydney is not a sufficient or acceptable reason to decline or cancel a rostered sitting day.
29. Sydney-based members will only be excused from sitting in certain Sydney locations for approved reasons – such as a conflict of interest or a medical/mobility/disability issue which affects the ability

to attend certain venues. Notice of medical/mobility/disability restrictions may be submitted in writing to the Registrar, and every reasonable effort to accommodate the member's medical/mobility/disability will be made.

30. Regional members will be rostered in regional areas according to Tribunal requirements.

#### TRAVEL OUT OF REGION

31. *Voluntary*: regional members may indicate a willingness to travel to another region or to Sydney to do Tribunal hearings – travel expenses for this purpose would not be paid. Members can generally indicate regions they would voluntarily travel to for Tribunal hearings for which travel expenses would not be paid (e.g., Sydney members with family in regions)

32. *Directed*: If the Tribunal directs a regional member to travel from a region to Sydney, or to another region for a hearing then travel may be paid. The travel claim is to be submitted to the Registrar for determination.

#### REMOTE PARTICIPATION

33. Generally, members may sit remotely by AVL only as permitted or required by the Tribunal. The Tribunal prioritises face to face hearings wherever resources permit. Rostering preference may be given, at the Tribunal's discretion, to members who are available for face-to-face hearings.

#### COMMITMENT TO ROSTER

34. The general policy is no cancellation of allocated rostered sittings unless there are exceptional circumstances or illness/medical reason. Members will be required to acknowledge their willingness to comply with this policy in writing prior to appointment.

35. No cancellation should occur less than 14 days prior except for medical/emergency reason.

36. Any notice of cancellation must be given in person, or by telephone call, direct to the Registrar or to the full-time Deputy President of the relevant MHRT Division (Civil Division/Forensic Division).

37. It is understood that if a member indicates availability for a date for roster allocation, the member has committed to remaining available for that date and will not cancel their availability.

38. The expectation is that all recreational/holiday leave is planned and accommodated when submitting roster preferences. Therefore, there should be no cancellation of rostered sitting days for the purpose of leave.

39. While every effort is made to accommodate Member preferences, the MHRT offers no guarantee of a minimum number of sitting days, or any sitting days.

40. Member-to-member swaps are not permitted. All roster replacements are to be at the discretion of the Registrar.